

**TOWN OF ELSMERE
COUNCIL
MEETING MINUTES
MAY 13, 2010
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	THOMAS S. NOVAK, JR.	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	JOHN N. PASQUALE, JR.	PRESENT

Town Manager, John Giles – Present
Town Solicitor, Edward McNally – Present
Lieutenant Christopher Workman – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Mayor and Council considered the approval of the Minutes of the April 8, 2010 Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the Minutes of the April 8, 2010 Council Meeting with no corrections. The motion was seconded by Councilman Jaremchuk.

VOTE:

1st District Councilman Jaremchuk – Yes, 2nd District Councilman Burg – Yes, 3rd District Councilman Novak – Yes, 4th District Councilman McKewen – Abstained, 5th District Councilwoman Personti - Yes, 6th District Councilman Pasquale –Abstained, Mayor Norkavage – Yes

Councilman McKewen and Councilman Pasquale both abstained from the vote due to being absent from the April 8, 2010 Council Meeting.

VOTE: 5 – 0, with 2 - Abstained

Motion carried

OLD BUSINESS:

Mayor and Council considered the approval for Third and Final Reading of Ordinance 515.

An Ordinance providing first-time homebuyers with incentives to invest and reside in the Town of Elsmere.

ACTION: A motion was made by Councilman Jaremchuk to consider for Third and Final Reading and approve Ordinance 515. The motion was seconded by Councilman Burg.

Councilwoman Personti requested the Finance Director provide Mayor and Council with quarterly reports on the fiscal impact.

Councilman Jaremchuk gave a brief summary of Ordinance 515.

Mayor Norkavage reported on how the Town would benefit from the impact due to the first-time homebuyers incentives as stated in Ordinance 515.

VOTE:

1st District Councilman Jaremchuk – Yes, 2nd District Councilman Burg – Yes, 3rd District Councilman Novak – Yes, 4th District Councilman McKewen – Yes, 5th District Councilwoman Personti - Yes, 6th District Councilman Pasquale – Yes, Mayor Norkavage – Yes

VOTE: 7 – 0

Motion carried

Councilman Jaremchuk also recommended that the financial reports be distributed to Mayor and Council prior to the night of the Council Meeting.

Town Manager, John Giles stated he would meet with Finance Director, Joseph Schulcz to discuss the issue of Mayor and Council receiving the financial reports prior to the Council Meetings, and will report back at the next meeting as to whether or not this can be done.

EXECUTIVE SESSION:

ACTION: A motion was made by Councilman Jaremchuk to go into Executive Session in order to discuss personnel issues and return to Public Session. The motion was seconded by Councilman Pasquale.

VOTE:

All in favor

Motion carried

At 6:43 p.m., Mayor and Council entered into Executive Session.

Mayor and Council returned to Public Session at 8:34 p.m.

ACTION: A motion was made by Councilman Pasquale to explore other options by going outside the current prospects and go outside the current rank structure of the Town of Elsmere for qualified candidates for the hiring of the position of the Chief of Police. The motion was seconded by Councilman Novak.

VOTE:

1st District Councilman Jaremchuk – No, 2nd District Councilman Burg – Yes, 3rd District Councilman Novak – Yes, 4th District Councilman McKewen – Yes, 5th District Councilwoman Personti - No, 6th District Councilman Pasquale – Yes, Mayor Norkavage – Yes

VOTE: 5 – 2

Motion carried

NEW BUSINESS:

Mayor and Council considered for First and Second Reading of Ordinance 516.

An Ordinance requiring that permits be obtained for Excavation and Re-Grading activities.

Councilman Pasquale explained his reasoning for proposing Ordinance 516.

ACTION: A motion was made by Councilman Pasquale to approve for First and Second Reading of Ordinance 516. The motion was seconded by Councilman Novak.

VOTE:

All in favor

Motion carried

Mayor and Council considered for First and Second Reading of Ordinance 517.

An Ordinance requiring the applicants to make public notice of applications made to the Planning Commission or Board of Adjustment.

Councilman Burg gave a brief synopsis of Ordinance 517.

At this time there was a lengthy discussion regarding Mayor and Council's concerns in reference to Ordinance 517.

ACTION: A motion was made by Councilman Burg to Table Ordinance 517. The motion was seconded by Councilman Novak.

VOTE:

All in favor

Motion carried

Ordinance 517 was Tabled.

Mayor and Council considered the re-appointment of Mr. Paul Chalfant as the Chairman of the Town's Board of Adjustment.

ACTION: A motion was made by Councilman Novak to re-appoint Mr. Paul Chalfant as the Chairman of the Board of Adjustment, with term to expire as of June 1, 2013.

VOTE:

All in favor

Motion carried

Mayor and Council considered the re-appointment of Mr. Robert Swain to the Town's Planning Commission.

ACTION: A motion was made by Councilman Burg to re-appoint Mr. Robert Swain to the Town's Planning Commission, with term to expire as of June 1, 2013. The motion was seconded by Councilman Jaremchuk.

VOTE:

All in favor

Motion carried

Town Manager, John Giles reported Mr. Adam Smith did not wish to be re-appointed to the Town's Planning Commission.

Mayor and Council considered the re-appointment of Mr. Carl Force to the Town's Board of Elections.

ACTION: A motion was made by Councilman Pasquale to re-appoint Mr. Carl Force to the Town's Board of Elections, with term to expire as of April 10, 2012. The motion was seconded by Councilwoman Personti.

VOTE:

All in favor

Motion carried

Mayor and Council considered Resolution 10-09.

A Resolution authorizing the installation of a Crosswalk and the relocation of a Stop Sign at the intersection of Filbert Avenue and Dover Avenue.

Councilman Burg explained his reasoning for proposing Resolution 10-09.

ACTION: A motion was made by Councilman Burg to approve Resolution 10-09. The motion was seconded by Councilwoman Personti.

Councilman Novak asked if there were any issues with traffic going west, while conducting the surveys.

Lieutenant Workman explained the traffic situations that frequently occur in that area and further explained a stop sign is being put up along with a yield sign.

VOTE:

All in favor

Motion carried

Mayor and Council considered a request by the State of Delaware Department of Elections to use the Town Hall as a Polling Place on Tuesday, September 14, 2010 and Tuesday, November 02, 2010.

Mr. Giles explained the issues that occur if Town Hall is open on the days when it would be used as a Polling Place.

ACTION: A motion was made by Councilman Jaremchuk to allow the State of Delaware Department of Elections to use Town Hall as a Polling Place on Tuesday, September 14, 2010 and Tuesday, November 02, 2010, and also close Town Hall on those days. The motion was seconded by Councilman Burg.

VOTE:

All in favor

Motion carried

Mayor and Council considered a request to make a donation to a non-profit organization which would be offset by a discount on our bill resulting in no cost to the Town.

Mr. Giles explained the request for the \$250.00 donation and further explained the monies donated would be deducted off of a future bill that would be received from Edmunds and Associates.

ACTION: A motion was made by Councilman Jaremchuk to donate \$250.00 to the Crohn's & Colitis Foundation of America in anticipation of receiving \$250.00 off the Edmunds bill. The motion was seconded by Councilman Pasquale.

VOTE:

All in favor

Motion carried

Mayor and Council considered a request by the Town Manager to authorize \$4,491.76 from the Contingency Fund to the Public Works Department's budget to cover the cost of disposing of hazardous materials collected during the Town Wide Cleanup events.

Mr. Giles reported on the hazardous materials that need to be disposed of that were picked up on the Town Wide Clean Up Day. He recommended using Clean Harbors Environmental Services, Inc., which provide disposal services for the hazardous materials that need to be disposed of.

Councilwoman Personti suggested inquiring with other agencies to see if they would accept these hazardous materials as a donation and allow us to transport these materials to their site, before using money from the contingency fund. She further suggested for Mr. Giles to look into this further and put it on June's Agenda.

ACTION: A motion was made by Councilwoman Personti for Town Manager, John Giles to explore other options in order to dispose of the hazardous materials through local chemical companies and if not possible, then authorize Town Manager, John Giles to over expend the Public Works landfill fees of \$4,491.76 and to contract with Clean Harbors Environmental Services, Inc., for the disposal of the waste. The motion was seconded by Councilman Pasquale.

VOTE:

All in favor

Motion carried

DEPARTMENTAL REPORTS:

Code:

Mr. Giles reported that the outside contractor may possibly go over \$10,000.00.

Finance:

Mr. Giles reported the budget will be available to Mayor and Council by Saturday, May 15, 2010.

Councilman Pasquale asked what specific questions Adrenaline was asked.

Mr. Giles stated he basically asked them to explain everything they stated in their letter which they explained in detail of everything they are willing to do. He further stated he believed it is at the point where they would have to be issued their license, but it would be strictly monitored and we would look for any violations that may occur or any breach of what they gave us as a condition of their application which was explained in detail.

Councilman Jaremchuk commented he would have taken other actions regarding Adrenaline Skating Center. He agreed he would meet with Mr. Giles to discuss this issue further.

Mr. Giles announced Tina Law has given her resignation and will be leaving at the end of the month. Resumes have been received and interviews will start on Monday, May 17, 2010. He further thanked Tina for everything.

Mayor and Council thanked Tina Law for her hard work and dedication to the Town of Elsmere, and all wished her well.

Mrs. Tina Law stated it has been an honor and privilege to be here and is proud to have been a part of everything that has been accomplished over the past years that she has been with the Town of Elsmere.

Mr. Giles suggested having the budget hearing on a one day basis, possibly a Saturday or Sunday, and asked Mayor and Council to authorize this to occur on Saturday, June 19, 2010.

At this time there was a lengthy discussion regarding Mayor and Council's concerns as to their preference to have the budget hearings.

ACTION: A motion was made by Councilwoman Personti to begin the budget hearings on the regular Council Meeting night and come together on June 19, 2010 at 9:00 a.m. to complete. No one seconded the motion.

Councilwoman Personti withdrew her motion.

ACTION: A motion was made by Councilman Jaremchuk to conduct the budget hearings on Tuesday, June 22, Wednesday, June 23, and Thursday, June 24, 2010, if necessary, and to begin at 6:30 p.m. The motion was seconded by Councilman Novak.

VOTE:

1st District Councilman Jaremchuk – Yes, 2nd District Councilman Burg – No, 3rd District Councilman Novak – Yes, 4th District Councilman McKewen – Yes, 5th District Councilwoman Personti - Yes, 6th District Councilman Pasquale – Yes, Mayor Norkavage – Yes

VOTE: 6 – 1

Motion carried

Councilman Burg voted “No” because he would prefer to get it done in one day instead of tying up three nights.

ACTION: A motion was made by Councilwoman Personti to authorize Town Hall to open at 12:00 p.m. on June 22, 23 and 24, 2010. The motion was seconded by Councilman Novak.

VOTE:

All in favor

Motion carried

Mr. Giles stated he has been asked by the staff to ask Mayor and Council’s permission to start purchasing items for the July 4th Event.

ACTION: A motion was made by Councilman Novak to authorize the Town Manager to make purchases for the July 4th Event, out of the Contingency Fund that was initially earmarked for the 100th Anniversary. The motion was seconded by Councilman Pasquale.

VOTE:

All in favor

Motion carried

Councilman Pasquale asked where it stands regarding ‘Movies in the Park’.

Mr. Giles stated that initially they were to begin at the end of May but due to lack of staffing it most likely won’t occur until June, with the plan of having two a month and to have different employees work each one. Residents will be notified by flyers door-to-door, and also advertise it on the marquee at the the Elsmere Fire Company, and the website.

Mr. Giles mentioned he received a flyer regarding the League of Local Governments asking all elected officials to join in opposing the House Bill regarding collective bargaining with police departments.

Mr. Giles reported that flyers were distributed by Artesian Water regarding the water being shut off as of May 17, 2010 at Fenwick Apartments, for non-payment of their bill. He further explained the issues that could occur should this actually happen. Mr. Giles was updated by the Fraud Unit from the Attorney General's Office, which the owners stated they were going to pay the bill by the shut off date.

Councilwoman Personti suggested making Section 8 aware of this also.

Mayor Norkavage brought up the issue of having more police patrolling the area.

Public Safety:

Lieutenant Workman had nothing further to report at this time.

ITEMS SUBMITTED BY MAYOR AND COUNCIL:

Councilman Jaremchuk expressed his concerns regarding issues of street work and storm drains that need to be done. He suggested that professionals be contacted in reference to these issues.

ACTION: A motion was made by Councilman Jaremchuk to authorize Town Manager, John Giles to check with professionals to see what sort of information can be gathered. The motion was seconded by Councilman Pasquale.

At this time further discussion occurred regarding the aforementioned issues.

Councilman Jaremchuk called the question.

VOTE:

All in favor

Motion carried

Councilman Burg thanked Lieutenant Workman for taking care of the Baltimore Avenue issue regarding the traffic issues.

Councilman Novak thanked Lieutenant Workman for conducting the traffic surveys on Tamarack Avenue.

Councilwoman Personti wished Mrs. Tina Law good luck.

Mr. Giles reported the Town will be getting six individuals from New Castle County on June 21, 2010, in order to help out at Town Hall and with the Public Works Department.

Councilman Pasquale asked how it is going to be advertised for the position of Chief of Police.

ACTION: A motion was made by Councilman Pasquale that when the position of Chief of Police is advertised that it be done through the newspaper, websites, etc., and to use the standards that the police committee made. The motion was seconded by Councilman Novak.

VOTE:

1st District Councilman Jaremchuk – No, 2nd District Councilman Burg – Yes, 3rd District Councilman Novak – Yes, 4th District Councilman McKewen – Yes, 5th District Councilwoman Personti - No, 6th District Councilman Pasquale – Yes, Mayor Norkavage – Yes

VOTE: 5 – 2

Motion carried

Councilman Pasquale stated it should be submitted in the form of a resume as long as the applicant meets the qualifications.

Mayor Norkavage recommended that the applications be submitted to Town Manager who will then forward copies to Mayor and Council. The application deadline is June 30, 2010.

Councilman Pasquale reported there is high grass at 7 Alfred Avenue.

Mayor Norkavage verified that issue has since been taken care of.

Councilman Pasquale reported he has some major family health issues going on at this time with different family members and he wanted it to be known that he may not be available as much as he has in the past.

Mayor Norkavage mentioned Mrs. Tina Law will be greatly missed when she leaves the Town of Elsmere.

ADJOURNMENT:

ACTION: A motion was made by Councilman Pasquale to adjourn. The motion was seconded by Councilwoman Personti.

VOTE: 7 – 0

Motion carried

The meeting was adjourned at 9:56 p.m.

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY